

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(ALEXANDRIA)**

RANDY LIGHTY,

Plaintiff

v.

GATES HUDSON & ASSOCIATES, INC.

Defendant.

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Case No. 1:19:cv1520

**DEFENDANT GATES HUDSON & ASSOCIATES, INC.'S  
PRAECIPE REGARDING ITS MOTION TO DISMISS**

Plaintiff Randy Lighty initiated this matter by filing a Complaint on December 4, 2019 [Dkt. 1]. Defendant responded by filing a Motion to Dismiss on January 17, 2020 [Dkt. 8]. On January 30, 2020, Plaintiff filed an Amended Complaint [Dkt. 14], and Defendant again responded by filing a Motion to Dismiss on February 13 [Dkt. 16]. A hearing on the motion to dismiss was set for March 20, 2020.<sup>1</sup>

The Motion to Dismiss expressly advised Plaintiff, consistent with L.R. 7(K) and *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), that his failure to file an opposition within 21 days of the filing date of the motion could result in the Court dismissing the action based on the arguments presented in the motion. Plaintiff's opposition to the motion to dismiss was therefore due on or before March 5, 2020. No opposition has been filed to date.

Plaintiff's opposition to the motion to dismiss came due before the issuance of General Order 2020-03 (March 16, 2020), which was the first Order that extended filing deadlines for pending matters. Thus, Plaintiff's failure to file an opposition is not excused by the entry of

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<sup>1</sup> Because of the precautions necessitated by the COVID-19 virus, the scheduled hearing was postponed and continued to a later date to be determined. Docket Entry, March 17, 2020.

General Order 2020-03.

Defendant submits that, over 40 days having passed since the date upon which his opposition would have been due, the motion is now ripe for adjudication based on the arguments contained in the moving papers and without need for a hearing. L.R. 7(J); Fed. R. Civ. P. 78(b).

FOR THESE REASONS, Defendant requests that the Court treat its motion to dismiss as unopposed, and enter an Order dismissing the Plaintiff's Complaint based on the arguments contained therein.

GATES HUDSON & ASSOCIATES, INC.  
By Counsel

CARR MALONEY P.C.

/s/ Dennis Chong  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 15th day of April, 2020, a copy of the foregoing was served by first class mail, postage prepaid, addressed as follows:

Randy Lighty  
1517 28th Street South, #1  
Arlington, VA 22206

In addition, Mr. Lighty receives electronic notification of case filings through the Court's CM/ECF system.

/s/ Dennis Chong  
Dennis Chong